IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

OP.No. 38741 of 2001(K)

PETITIONER:

A.ANANDA KURUP,
AROLY HOUSE, PUNNASSERY P.O.,
KOZHIKODE.

BY ADV. SRI.S.ANANTHAKRISHNAN
SRI.SHYAM PADMAN

RESPONDENTS:

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1. **THE STATE OF KERALA,**
   REP.BY SECRRETARY TO FOREST DEPARTMENT,
   SECRETARIAT, TRIVANDRUM.

2. **THE CHIEF FOREST CONSERVATOR(ADMINISTRATION),**
   VAZHUTHAKAD, TRIVANDRUM 14.

3. **THE DIVISIONAL FOREST OFFICER,**
   NILAMBOOR P.O., MALAPPURAM DISTRICT.

BY GOVERNMENT PLEADER SRI.P.NANDAKUMAR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 26/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.63542/2001 IN OP. 38741/2001

DISMISSED

26.2.2007 **SD/- K.K.DENESAN, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE GRATUITY PAYMENT ORDER DT.9.3.2000.

EXT.P2:- COPY OF THE COMMUNICATION DT.17.9.01 ISSUED BY THE 3RD RESPONDENT.

/TRUE COPY/

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K.K. DENESAN, J.

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O.P. No. 38741 OF 2001 k
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Dated this the 26th February, 2007

J U D G M E N T

The petitioner retired from service on 31-1-2000 while he was working as Forester under the respondents. But, D.C.R.G. as determined by the Accountant General vide Ext. P1 order has not been disbursed to him.

2. The reason for not disbursing D.C.R.G. as made known to the petitioner in 2001 was that disciplinary proceedings were pending against him. Feeling aggrieved, he filed this writ petition. Since steps were not taken to issue notice for quite some time, the respondents could not enter appearance and bring to the notice of this Court the fact situation as regards the claim of the petitioner for D.C.R.G.

3. After receipt of notice and on instruction, the Govt. Pleader submits that the disciplinary proceedings have been finalised as per order dated 8-12-2003. According to the respondents, the petitioner is liable to account for a sum of Rs.457/- and a liability certificate has been issued to the Treasury Officer on

8-4-2005. Though the Treasury Officer has been waiting for the petitioner to approach him for receiving the D.C.R.G. less Rs.457/- the petitioner did not turn up. The Treasury Officer has issued a communication to the Divisional Forest Officer on 14-2-2007 to intimate the petitioner that he can go over to the treasury and collect the amount. Counsel for the petitioner submits that the petitioner will immediately approach the Treasury Officer to receive the D.C.R.G. payable to him.

4. As regards the claim of the petitioner for interest, I do not propose to consider it necessary to decide that issue in these proceedings since the petitioner can file a suit before the competent civil court claiming interest for the delayed payment of gratuity. (See ***V. Vijayakumaran Nair v. State Bank of Travancore & Another*** {2005 (1) KLJ 547}.

5. Accordingly, the writ petition is disposed of directing the Treasury Officer to disburse, forthwith, the D.C.R.G. as admitted in Ext. P1 order less Rs.457/- to the petitioner as soon as he approaches the Treasury

Officer along with a copy of Ext. P1 Gratuity Payment Order.

K.K. DENESAN
JUDGE

jan/